

Office of Legislative Counsel

12 NOV 1978

NOTE TO: DCI

VIA : DDCI

STAT FROM : [REDACTED]
Acting Legislative Counsel

SUBJECT: Letters to Bayh and Boland Regarding
Reporting on Activities of Questionable
Legality or Priority

I believe you should sign the attached
letters to Chairmen Bayh and Boland. The whole
issue of reporting on abuses to the oversight
committees has been with us since the Senate
Select Committee was established in 1976, and
now the President has issued instructions pursuant
to Executive Order 12036.

However, I want to advise you that we may
well hear more from the Committees on this.
S. Res. 400 states that it is the sense of
the Senate that Agency heads should report to
the SSCI immediately upon discovery violations
of constitutional rights, law, Executive Order,
Presidential directives, or Agency rules or
regulations. The Charter of the House Select
Committee has no similar provision. President
Carter's letter states that he will determine
the manner and timing of reports to the Congress,
only after he has reviewed the CIA, IOB, and
where appropriate Attorney General reports on
an incident or activity. This ~~influence~~ ^{causes} ~~he can~~ ^{ability}
~~decide~~ Congress will not be notified. The
contrast between the two positions is startling,
and may prompt an appeal from the SSCI.

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